

## United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/937,817	11/29/2001	Hans-Matthias Horn	25045-11 5465		
7590 07/06/2004			EXAMINER		
John B Hardaway III			CURTIS, CRAIG		
Nexsen Pruet Jacobs & Pollard PO Box 10107			ART UNIT	PAPER NUMBER	
Greenville, SC 29603			2872		
			DATE MAILED: 07/06/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.



herefore, further action by the applicant is required to avoid abandonment of this application in an arejection under 37 CFR 1.13 may only be either. (1) a timely filed amendment which places the application in nondition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued xamination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)  The period for reply expires 2 months from the mailing date of the indirepction.  PERIOD FOR REPLY (check either a) or b)  The period for reply expires or. (1) the mailing date of the indiversory Action, or (2) the date set forth in the final rejection.  ONLY OF HECK THIS BOX WHEN THE IRRST REPLY WAS FILE DWTHIN TWO MONTHS OF THE IRRAL RESECTION. See MPEP 766.07(7).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee were been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee were been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee were been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee were been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee were been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee were were been filed is the date for purposes of the final rejection.  A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  A Notice of Appeal was filed on Appellant's Brief must be filed withi		Application No.	Applicant(s)					
Examiner Craig Curtis 2872  -The MAILING DATE of this communication appears on the cover sheet with the correspond nce address HE REPLY FILED 24 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. herefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a nat rejection under 37 CPR 1.136 may only be either. (1) a timely filed amendment which places the application in and rejection under 37 CPR 1.136 may only be either. (1) a timely filed amendment which places the application in and replection (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Xamination (RCE) in compliance with 37 CPR 1.134.    PERIOD FOR REPLY [check either a) or bi]	Advisory Action	09/937,817	HORN ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspond nce address  HE REPLY FILED 24 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  herefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a nall rejection under 37 CFR 1.13 may only be either. (1) a timely filed thousance: (2) a timely filed blook abandonment of this application. A proper reply to a nall rejection under 37 CFR 1.13 may only be either. (1) a timely filed thousance: (2) a timely filed some continued xamination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY [check either a) or b)    The period for reply expires 2 months from the mailing date of the final rejection. Some properties are reply expires 2 months from the mailing date of the final rejection. Some properties are reply expires 2 months from the mailing date of the final rejection. Some properties are reply expires 2 months from the mailing date of the final rejection. Some properties are reply expires 2 months from the mailing date of the final rejection. Some properties are reply expired as the properties are reply expired as the final rejection. Some properties are reply expired to the properties are reply expired to the final rejection. Some properties are reply to the properties are reply as the submitted by the Office later than the properties are reply originally set in the final office action; or (2) as set forth in 3 CFR 1.13(a), are adjustment. See 37 CFR 1.74(b).    A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 3 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.    A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in	navious nodes.	Examiner	Art Unit					
HE REPLY FILED 24 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. herefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a nat rejection under 37 CFR 1.13 may apply be either: (1) a timely filed amendment which places the application in ondition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued xamination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY [check either a) or b)]  The period for reply expires 2 months from the mailing date of the final rejection.  PERIOD FOR REPLY [check either a) or b)]  The period for reply expires 2 months from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE ITERS TREPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07()  EVALUATION ONLY CHECK THIS BOX WHEN THE ITERS TREPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07()  EVALUATION OF THE PROPER OF THE PROPER OF THE PROPER OF THE FINAL REJECTION. See MPEP 708.07()  EVALUATION OF THE PROPER OF THE		Craig Curtis	2872					
herefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a nal rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment which places the application in ondition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued xamination (RCE) in compliance with 37 CFR 1.114.    A period for reply expires 2 months from the mailing date of the final rejection.	The MAILING DATE of this communication appears on the cover sheet with the correspond nce address							
a) The period for reply expires 3_months from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of this Adviscry Action, or (2) the date set forth in the final rejection, whichever is later. In no over, thower, will the statutory period for reply expire son: (1) the mailing date of the final rejection. New Period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(1).  Experience of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee were been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee were been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 7 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Cfife extens. or (2) as set forth in 37 CFR 1.191(a), and the final rejection, even if timely filled, may reduce any smell patient term ediplication. See 37 CFR 1.194(b).  A Notice of Appeal was filled on Appellant's Brief must be filled within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  The proposed amendment(s) will not be entered because:  (a) they raise the issue of new matter (see Note below);  (b) they raise the issue of new matter (see Note below);  (c) they raise the issue of new matter (see Note below);  (d) they raise the issue of new matter (see Note below);  (d) they raise the issue of new matter (see Note below);  (d) they proposed a mended to place the application in better form for appeal by materially reducing or simplifying the issues for appe	THE REPLY FILED 24 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.							
the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statulory period for reply expire later than SIX MONTHS from the mailing date of the injection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee ower benefiled is the date for purposes of determining the period of extension and the corresponding mount of the fee. The appropriate extension fee under 7 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statulory period for reply originally set in the final Office action; or (2) as set forth in 3 obove, if rehecked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amed patent term adjustment. See 37 CFR 1.704(b).  A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  When proposed amendment(s) will not be entered because:  (a) they raise the issue of new matter (see Note below);  (b) they raise the issue of new matter (see Note below);  (c)	PERIOD FOR REPLY [check either a) or b)]							
amed patent term adjustment. See 37 CFR 1.704(b).	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in							
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2	earned patent term adjustment. See 37 CFR 1.704(b).	muis arter the maining date of the linareje	schort, even il dillely liled,	may reduce any				
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:	1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.							
(b) ☐ they raise the issue of new matter (see Note below); (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:	2. The proposed amendment(s) will not be entered because:							
(c)	(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);							
issues for appeal; and/or  (d)	(b) ☐ they raise the issue of new matter (see Note below);							
NOTE:  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  5. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) rejected: 13-29.  Claim(s) withdrawn from consideration:  3. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). Audrey Chang								
Applicant's reply has overcome the following rejection(s):  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) rejected: 13-29.  Claim(s) withdrawn from consideration:  B. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). Andrey Chang	(d) they present additional claims without canceling a corresponding number of finally rejected claims.							
Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 13-29.  Claim(s) withdrawn from consideration:  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	NOTE:							
canceling the non-allowable claim(s).  The a)   affidavit, b)   exhibit, or c)   request for reconsideration has been considered but does NOT place the application in condition for allowance because:  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  For purposes of Appeal, the proposed amendment(s) a)   will not be entered or b)   will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 13-29.  Claim(s) withdrawn from consideration:  The drawing correction filed on is a)   approved or b)   disapproved by the Examiner.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). Audrey. Chang	3. Applicant's reply has overcome the following reject	tion(s):						
application in condition for allowance because:  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). Audrey. Chang		be allowable if submitted in a s	eparate, timely file	d amendment				
raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 13-29.  Claim(s) withdrawn from consideration:  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  D. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). Audrey. Chang	5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:							
explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 13-29.  Claim(s) withdrawn from consideration:  3.  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). Audrey. Change	<del>-</del>							
Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 13-29.  Claim(s) withdrawn from consideration:  3.  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). Audrey. Chang	7.⊠ For purposes of Appeal, the proposed amendment(s) a)⊠ will not be entered or b)□ will be entered and an							
Claim(s) objected to:  Claim(s) rejected: 13-29.  Claim(s) withdrawn from consideration:  B. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  D. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). Audrey. Chang	The status of the claim(s) is (or will be) as follows:							
Claim(s) rejected: 13-29.  Claim(s) withdrawn from consideration:  B The drawing correction filed on is a) approved or b) disapproved by the Examiner.  D Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). Audrey. Chang	Claim(s) allowed:							
Claim(s) withdrawn from consideration:  3.  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). Audrey. Chang	Claim(s) objected to:							
3.☐ The drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner.  9.☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). Audrey. Chang	Claim(s) rejected: 13-29.							
9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). Audrey. Chang	Claim(s) withdrawn from consideration:							
	8.☐ The drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner.							
0. ☑ Other: See Continuation Sheet  Primary Expanier 2800 Technology Center 2800	9. Note the attached Information Disclosure Stateme							
	10.☑ Other: <u>See Continuation Sheet</u>		Primary Examiner Technology Center 28	300				

Continuation of 10. Other: Applicants' amendment to the claims filed on 24 May 2004 does not comply with the requirements of 37 CFR 1.121(c) because the status of the claims has not been set forth in the required manner. (In what follows, please pay particular attention to the requirements set out in (1) Claim listing.) Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which statest: (c) Claims. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

- (1) Claim listing. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.
- (2) When claim text with markings is required. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn-currently amended."
- (3) When claim text in clean version is required. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.
  - (4) When claim text shall not be presented; canceling a claim.
    - (i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not

entered."

- (ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.
- (5) Reinstatement of previously canceled claim. A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Because the reply filed on 24 May 2004 appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a)..